LOCAL LAW NO. 3 OF 1985
COUNTY OF OTSEGO, NEW YORK

A LOCAL LAW TO AMEND LOCAL LAW NO. 2 OF 1983
PROVIDING FOR PARTIAL EXEMPTION FROM TAXATION
BY THE COUNTY OF OTSEGO OF REAL PROPERTY OWNED
BY PERSONS WHO ARE 65 YEARS OF AGE OR OVER

BE IT ENACTED by the Board of Representatives of the County
of Otsego as follows:

Section 1. That real property owned by one or more persons,
each of whom is 65 years of age or over, or real property owned by
husband and wife, one of whom is 65 years of age or over shall
be exempt from taxation by the County of Otsego to the extent of
50 per centum of the assessed valuation thereof.

Section 2. No exemption shall be granted

(a) if the income of the owner or the combined income of
the owners of the property for the income tax year immediately
preceding the date of making application for exemption exceeds
the sum of Seven Thousand Five Hundred Dollars ($7,500.00). Income
tax year shall mean the twelve month period for which the owner or
owners filed a Federal personal income tax return, or if no such
return is filed, the calendar year. Where title is vested in either
the husband or wife, their combined income may not exceed such sum.
Such income shall include Social Security and retirement benefits,
interest, dividends, total gain from the sale or exchange of a
capital asset which may be offset by a loss from the sale or exchange
of a capital asset in the same income tax year, net rental income,
salary or earnings, and net income from self-employment but shall
not include a return of capital, gifts or inheritances. In
computing net rental income and net income from self-employment
no depreciation deduction shall be allowed for the exhaustion,
wear and tear of real or personal property held for the production
of income;
(b) unless the title of the property shall have been vested in the owner or one of the owners of the property for at least twenty-four (24) consecutive months prior to the date of making application for exemption, provided, however, that in the event of the death of either husband or wife in whose name title of the property shall have been vested at the time of death and then becomes vested solely in the survivor by virtue of devise by or descent from the deceased husband or wife, the time of ownership of the property by the deceased husband or wife shall be deemed also a time of ownership by the survivor and such ownership shall be deemed continuous for the purposes of computing such period of twenty-four consecutive months and provided further that in the event of a transfer by either a husband or wife to the other spouse of all or part of the title to the property the time of ownership of the property by the transferor spouse shall be deemed also a time of ownership by the transferee spouse and such ownership shall be deemed continuous for the purposes of computing such period of twenty-four consecutive months and provided further that where property of the owner or owners has been acquired to replace property formerly owned by such owner or owners and taken by eminent domain or other involuntary proceeding, except a tax sale, the period of ownership of the former property shall be combined with the period of ownership of the property for which application is made for exemption and such periods of ownership shall be deemed to be consecutive for the purposes of this local law. Where a residence is sold and replaced with another within one year and is in the County, the period of ownership of the former property shall be combined with the period of ownership of the replacement residence and deemed consecutive for exemption from taxation by the County. Notwithstanding any other provision of law, where a residence
is sold and replaced with another within one year and both residences are within the state, the period of ownership of both properties shall be deemed consecutive for the purposes of this exemption from taxation.

(c) unless the property is used exclusively for residential purposes;

(d) unless the real property is the legal residence of and is occupied in whole or in part by the owner or by all of the owners of the property.

Section 3. An application for such exemption must be made by the owner, or all of the owners of the property on forms to be furnished by the assessors of the various assessing units in the County, and shall be executed in the manner required or prescribed in such forms, and they shall be filed in the office of the appropriate assessor at least ninety days before the day for filing the final assessment roll.

Section 4. That this local law is adopted pursuant to provisions of Section 467 of the Real Property Tax Law of the State of New York, and is subject to any revision of that section by act of the legislature of the State of New York by amendment, rescission or otherwise. It being intended hereby to have this local law automatically amended by any act of legislature which shall affect the exemption granted hereunder.

Section 5. This Local Law shall take effect on the tax status date for the tax year commencing January 1, 1986.

This Local Law offered by the Real Property Tax Services and Data Processing Committee.
RESOLVED, that the Otsego County Tourism Bureau will designate the project director authorized to sign all vouchers and encumbrances; and be it further

RESOLVED, that the County Treasurer be authorized to pay the Otsego County Tourism Bureau.


RESOLUTION NO. 101

RESOLUTION—ADOPTING A LOCAL LAW OF 1985 PROVIDING FOR PARTIAL EXEMPTION FROM TAXATION BY THE COUNTY OF OTSEGO OF REAL PROPERTY OWNED BY PERSONS WHO ARE 65 YEARS OF AGE OR OVER

GRIFFITHS, KENYON, JOHNSON

RESOLVED, that a Local Law of 1985 providing for partial exemption from taxation by the County of Otsego of real property owned by persons who are 65 years of age or over be and the same is hereby adopted, effective as provided by such Local Law.


Since Resolution No. 102 was filed late, Winsor moved to suspend the rules and act upon the Resolution. Seconded, Henderson. Total: 13; Ayes: 13; Absent: Griffiths. Motion carried.

Kenyon moved to dispense with the reading of the resolution. Seconded, Schoonover. Total: 13; Ayes: 13; Absent: Griffiths. Motion carried.

RESOLUTION NO. 102

RESOLUTION—ACCEPTING BID FOR INSTALLATION OF SOUND SYSTEM IN OTSEGO COUNTY COURTHOUSE AND AUTHORIZING CHAIRMAN TO CONTRACT FOR PURCHASE AND INSTALLATION OF THE SYSTEM.

FRANZES, BATEMAN, WINSOR